98TH CONGRESS | SENATE | REPORT
1st Session | | No. 98-253

SURFACE TRANSPORTATION TECHNICAL CORRECTIONS ACT OF 1983

SEPTEMBER 29 (legislative day, SEPTEMBER 26), 1983.—Ordered to be printed

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Mr. SYMMS, from the Committee on Environment and Public Works, submitted the following

REPORT

[To accompany H.R. 3103]

The Committee on Environment and Public Works, to which was referred the act (H.R. 3103) to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes having considered the same, reports favorably thereon with an amendment and recommends that the act (as amended) do pass.

GENERAL STATEMENT

In 1982 the Congress enacted major transportation legislation addressing many highway issues. The Surface Transportation Assistance Act (STAA) of 1982 was important and necessary legislation. For the first time in over twenty years, highway user taxes were increased to better meet the pressing maintenance and construction needs of America's highway system.

The new revenue provides a major impetus for both the completion of the Interstate system and its timely rehabilitation. There are some highway program matters, however, requiring legislative action at this time. First, the authorizations contained in the 1982 Act for the Emergency Relief Program are not sufficient to repair the extensive road damage which severe weather conditions caused throughout the country over the past year. The winter storms in California and the spring snowcap melt in Utah were particularly damaging to those States' highways. This bill makes available additional funds to meet the unexpectedly large number of such emer-

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gencies. Second, the legislation approves the estimate of the cost to complete the Interstate system as is required for the apportionment of funds authorized for fiscal years 1985 and 1986. Third, there is a similar approval of the Interstate Substitute Cost Estimate for highway and transit projects for fiscal years 1984 and 1985. Finally, the bill contains a provision to restore language on "Buy America" which had been agreed to by Senate and House conferees at the time the STAA was adopted in 1982.

The Emergency Relief Program authorized by section 125 of title 23 United States Code provides funds to those States which have experienced severe highway damage due to natural disasters or external catastrophic failures. The violent storms and widespread damage, particularly in California and Utah, necessitate an additional authorization over and above the $100 million provided for the Emergency Relief Program in the 1982 Act. The Committee believes that an additional $150 million is needed on a one-time basis for fiscal year 1983 to cover emergency relief needs nationwide. California and Utah are exempted from the $30 million-per disaster cap established in the STAA, because of the concentration of emergency relief needs there.

The ongoing Interstate construction program requires the States to submit estimates of the cost to complete the remaining system every two years. The current estimate was submitted to the Congress in early 1983 and will be approved upon enactment of this legislation. Congressional approval is required before the Secretary of Transportation can apportion the funds which are authorized for apportionment October 1, 1983 and October 1, 1984.

For the first time, Congress must also approve the estimate of the cost to complete substitute highway and transit projects which result from the withdrawal of Interstate construction projects as authorized by section 103(e)(4) of title 23. This approval reflects the estimated cost of both highway and transit substitute projects as current plans of the recipients indicate.

The Committee believes that it is extremely important that Congress approve these cost estimates as quickly as possible so that Interstate construction and transfer funds can be released and States can obligate these funds. The STAA authorized $4 billion in Interstate construction funds which become available in fiscal 1984 and $700 million in Interstate transfer funds for highway projects.

The reported bill restores the agreement on "Buy America" reached by Senate and House conferees during consideration of the 1982 Act. In that agreement, requirements for the use of domestic materials in Federal-aid highway projects were to stay the same as in the 1978 law, with the exception of an increase in the price differential from 10 percent to 25 percent.

The legislation contains several provisions clarifying eligibility of certain categories of projects for Federal assistance. Other technical corrections to the 1982 Act are also included in this legislation.

MAJOR PROVISIONS

EMERGENCY RELIEF PROGRAM

The Federal-aid Highway Emergency Relief Program exists to meet those highway repair and reconstruction needs brought on by either natural disasters or catastrophic failures caused by external force.

Then Surface Transportation Assistance Act of 1982 made several changes in the on-going emergency relief program. It provided that all such funding would come out of the Highway Trust Fund, and that all eligible projects would qualify for 100 percent Federal funding. The 1982 Act also placed a cap of $30 million per State per disaster on the program; previously there had been no limit on funds a State could receive.

As the number and cost of major storm-related disasters mounted in fiscal 1983, it became apparent that the $100 million authorization would not be adequate for the year. For this reason, the Committee bill provides an additional $150 million in funding to meet the emergency relief needs of the affected States. California and Utah are specifically exempted from the $30 million cap because of the extensive and costly storm damage occurring in those States in fiscal 1983.

Further, eligibility for emergency relief funding is extended to the Territories, including the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. Total obligations for the Territories, however, would be limited to $5 million per fiscal year. Eligibility of the Territories for emergency relief funds is retroactive to April 15, 1983.

The legislation makes 100 percent Federal funding available for the 30-day period immediately following the actual disaster for repair work done to restore essential services. This would include, but not be limited to, road openings, debris removal, and erection of temporary facilities. The Committee believes that cost-effective repair is an important concern, and therefore for long-term rehabilitation and replacement projects, funding is to be provided at the applicable system match, e.g. 90–10 percent matching Federal-State share on the Interstate system, 80–20 for bridges, and 75–25 for the primary, secondary and urban systems. This match requirement is effective for disasters which occur after the date of enactment of this bill.

INTERSTATE COST ESTIMATE (ICE) APPROVAL

The legislation approves the Interstate Cost Estimate (ICE) for fiscal years 1985 and 1986. Every two years the States submit an updated estimate of the cost to complete the remaining Interstate segments. The U.S. Department of Transportation examines this estimate and transmits it to Congress. Congress approves the estimate by a Concurrent Resolution or legislation, and the Interstate construction funds are then apportioned to the States based on the approved ICE. Highway apportionments are made on October 1 of each year, but the Interstate construction funds cannot be apportioned until Congress approves the ICE. Because of the recent Supreme Court decision on legislative veto, the Committee has agreed

to approve the ICE through statutory language rather than by a Concurrent Resolution.

In the past, Congress has generally approved a two-year ICE. The States are only required to update the ICE every two years. The Committee therefore believes that a two-year ICE approval is appropriate. it is important for the long-range planning required by Interstate construction projects to approve the ICE for two years. This will provide the States with assurance that funds will be available on October 1 next year.

INTERSTATE SUBSTITUTE COST ESTIMATE (ISCE) APPROVAL

The Surface Transportation Assistance Act of 1982 required those States that have withdrawn an Interstate segment and are eligible for Interstate transfer funds to submit an estimate of their remaining entitlements resulting from Interstate withdrawals under section 103(e)(4) of title 23. This Interstate Substitute Cost Estimate (ISCE) includes each State's projected division of the amounts which will be used for highway and transit projects. This cost estimate will be used to apportion 75 percent of the funds available for highway transfer funds and 50 percent of the funds available for transit transfer funds. This legislation approves the ISCE for fiscal years 1984 and 1985. Section 103(e)(4) of title 23 requires that all Interstate segments must be withdrawn by September 30, 1983 in order to be eligible for Interstate transfer funds. Therefore, no further changes are expected to estimate other than reducing those amounts obligated. The Committee believes the approval of a two year ISCE is very important to enable the States to move forward with the planning required for these substitute projects and to assure the States that these funds will be available for obligation next October 1.

BUY AMERICA

The Committee adopted an amendment to section 165 of the Surface Transportation Assistance Act of 1982, the "Buy America"-provision. the amendment restores the language which had been agreed to by House and Senate conferees when the Surface Transportation Assistance Act of 1982 was adopted last year. The language contained in Public Law 97-424 does not correspond with the agreement as understood by the Senate conferees. The discrepancy was attested to in a colloquy conducted in the Senate on December 23, 1982 among Senators Chafee, Stafford, Randolph, Domenici, and Moynihan. This amendment restores the accurate language to the "Buy America" provision. The conferees had agreed that requirements for the use of domestic materials in Federal-aid highway and transit projects should remain the same as contained in 1978 law, with one exception. This exception increases for highway and transit projects, other than transit rolling stock acquisitions, the price differential from 10 percent to 25 percent between domestic and foreign materials needed before foreign articles may be used. A 10 percent differential was established and continues to be established in the case of the acquisition of rolling stock for transit projects.

SECTION-BY-SECTION ANALYSIS

EMERGENCY RELIEF AUTHORIZATION

SEC. 1. This section authorizes an additional $150 million to be expended in fiscal year 1983 for the Emergency Relief program with financing to come from the Highway Trust Fund. Such sums will be available for fiscal year 1983 and the two succeeding fiscal years as provided in Section 125 of title 23.

ELIGIBILITY EXTENDED TO THE TERRITORIES

SEC. 2. Subsection (a) extends eligibility for emergency relief funds to the Territories of the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

Subsection (b) limits total obligations for emergency relief in the Territories to an aggregate of $5 million per fiscal year.

Subsection (c) makes the Territories eligible for emergency relief funds effective April 15, 1983 to cover recent disasters that have occurred prior to the enactment of this legislation.

EXEMPTIONS FROM FUNDING CAP

SEC. 3. This section exempts the disasters which occurred in California and Utah in Federal fiscal year 1983 from the current $30 million cap per disaster in any State.

FEDERAL/STATE MATCH

SEC. 4. Subsection (a) provides that emergency relief repair work done within 30 days of the occurrence to restore essential services, including such things as road openings, debris removal and erection of temporary facilities, will be funded at 100 percent Federal share. Long-term restoration and replacement work will be funded with the Federal/State match applicable on each system under the regular Federal-aid highway program, e.g. 90–10 percent Federal/State match on the Interstate System, 80–20 on bridge, and 75–25 on primary, secondary and urban.

Subsection (b) provides that the match requirement applies to natural disasters of catastrophic failures which occur after the date of enactment of this Act. Such disasters or failures that occurred prior to the date of enactment would be governed by the old matching share.

TRANSFERABILITY

SEC. 5. This section permits the State of Maryland, subsequent to the approval of the withdrawal of unbuilt segments of I–83, under the requirements of section 103(e)(4) of title 23, United States Code, and section 107 of the Surface Transportation Assistance Act of 1978, to use Interstate construction funds for Interstate 4R purposes and to reduce the Interstate Substitute Cost Estimate rather than the Interstate Cost Estimate. The funds would be available for two fiscal years after the fiscal year in which the transfer occurs, after which any unused funds will lapse and will be added to an Interstate 4R discretionary fund.

INTERSTATE COST ESTIMATE APPROVAL

SEC. 6. This section approves the Interstate Cost Estimate for two fiscal years, 1985 and 1986. Apportionment of Interstate construction funds is based on the cost to complete the system in the States with mileage yet to build.

The Committee expects that the House Committee print of the table used to apportion these funds will reflect House and Senate agreement, and will include the most updated information available reflecting withdrawal of Interstate segments.

INTERSTATE SUBSTITUTE COST ESTIMATE APPROVAL

SEC. 7. This section approves the Interstate Substitute highway and transit Cost Estimate for two fiscal years, 1984 and 1985, rather than for just fiscal year 1984 as initially included in the 1982 Surface Transportation Assistance Act. The date for submitting of the second cost estimate also is changed. This is the first such action under provisions of the 1982 STAA. This approval process provides for a distribution of 75 percent of Interstate transfer funds for highway projects and 50 percent of Interstate transfer funds for transit projects.

The Committee expects that the House Committee print of the table used to apportion these funds will reflect House and Senate agreement, and will include the most updated information available reflecting withdrawal of Interstate segments.

The Committee also expects that this table will be used for the 1984 apportionments without further adjustments, but that the Department of Transportation will make mathematical adjustments to the table prior to October 1, 1984 for use in fiscal year 1985 apportionments. These adjustments may be made only to reflect withdrawals of Interstate segments, changes in State estimates of the division of substitute highway versus transit funds, and allocations and apportionments of fiscal year 1984 substitute highway and transit funds.

INTERSTATE DISCRETIONARY PRIORITY

SEC. 8. This section permits certain Interstate segments under construction on enactment of the 1982 STAA to receive high priority for Interstate discretionary funds when such segments have two or more Interstate routes on a common alignment in an urban area. This section is intended to apply to a project in Atlanta, Georgia.

PLANNING AND RESEARCH

SEC. 9. This section permits a State to use one and one-half percent of apportioned Interstate Highway Transfer funds for highway planning and research activities. It would not include the 25 percent of transfer funds that are allocated.

SECTION 139(a) INTERSTATE ROUTES

SEC. 10. This section permits a State to use funds received for 4R work on the Interstate system under section 104(b)(5)(B) of title 23,

on Interstate segments designated under section 139(a) before enactment of this section.

This mileage will not be included in any formula for the purpose of apportioning Federal-aid Interstate funds.

BUY AMERICA

SEC. 11. This provision provides that the Secretary of Transportation shall not obligate Federal-aid highway and transit funds for projects costing more than $500,000 unless substantially all manufactured and unmanufactured articles, materials and supplies that have been mined or produced in the United States are used in such projects which is the same requirement established in the 1978 Surface Transportation Act.

The Secretary may waive this provision in cases where their application is determined to be inconsistent with the public interest and, in the case of the acquisition of rolling stock, their application would result in unreasonable cost. The Secretary may also waive the requirement in instances where the supplies needed are not produced in the United States in sufficient quantities and satisfactory quality.

The provision may also be waived when the Secretary determines that the use of domestic material will increase the overall project cost by 10 percent in the case of projects for the acquisition of transit rolling stock, and 25 percent in all other cases of transit and highway projects.

TECHNICAL AMENDMENTS

SEC. 12. Technical amendments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and impoundment Control Act requires a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., September 29, 1983.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Sections 308(a) and 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 3103, the Surface Transportation Technical Corrections Act of 1983, as ordered reported by the Senate Committee on Environment and Public Works, September 28, 1983.

This bill makes numerous technical corrections to the Surface Transportation Assistance Act of 1982, P.L. 97-424. The bill changes existing federal matching requirements for the emergency relief program and amends the exiting formula for calculating a state's participation in the temporary matching fund waiver program.

In addition, H.R. 3103 provides an additional $150 million of direct spending contract authority in fiscal year 1983 for emergency relief programs administered by the Federal Highway Administration. The emergency relief program is exempt from the federal-aid highway obligation limitation, and because it is direct spending, does not require subsequent appropriations action (except for the provision of liquidating cash). CBO estimates that of the amount provided, approximately $125 million will be spent in fiscal year 1984, and approximately $25 million in fiscal year 1985.

These amounts represent grants to states. The federal share of the emergency relief program has customarily been 100 percent; therefore, there are not likely to be any significant additional costs to state and local governments. The section of the bill that changes the federal share for emergency relief projects is effective for disasters that occur subsequent to enactment of this Act.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

RUDOLPH G. PENNER, *Director.*

HEARINGS

On July 21, 1983, the Subcommittee on Transportation of the Environment and Public Works Committee conducted a hearing in Washington, D.C. on the Federal-aid Highway Emergency Relief Program.

Senator Alan Cranston and Senator Pete Wilson testified at the hearing on S. 1354 and the need for increased emergency relief funding. Testimony was also received from U.S. Representative Tom Lantos and Federal Highway Administrator Ray Barnhart.

Among the issues discussed at the hearing were the number of high cost disasters, the amount of additional funding needed, State match, eligibility criteria, and retention of a funding cap.

ROLLCALL VOTES

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environment and Public Works require that any rollcall votes taken during consideration of this bill be announced in this report.

No rollcall votes were taken during consideration of this bill by the Environment and Public Works Committee.

On September 28, 1983, Senator Chafee moved adoption of an amendment on "Buy America." The motion was agreed to by a unanimous voice vote.

Senator Symms proposed to report the bill from Committee on September 28. The motion was adopted by a unanimous voice vote.

EVALUATION OF REGULATORY IMPACT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact of the reported bill. This legislation creates no new regulatory requirements.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman:

TITLE 23—UNITED STATES CODE

HIGHWAYS

CHAPTER 1—FEDERAL-AID HIGHWAYS

Sec.

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127. Vehicle weight [and width] limitations—Interstate System.

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146. [Repealed] Carpool and vanpool projects.

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TITLE 23.—UNITED STATES CODE

HIGHWAYS

CHAPTER 1—FEDERAL-AID HIGHWAYS

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§ 103. Federal-aid systems

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(e) * * *

(4) Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System which was selected and approved in accordance with this title, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by the route or portion thereof. When the Secretary withdraws his approval under this paragraph, a sum equal to the Federal share of the cost to complete the withdrawn route or portion thereof, as that cost is included in the latest Interstate System cost estimate approved by Congress, or up to and including the 1983 interstate cost estimate, whichever is earlier, subject to increase or decrease, as determined by the Secretary based on changes in construction costs of the withdrawn route or portion thereof as of the date of approval of each substitute project under this paragraph, or the date of approval of the 1983 interstate cost estimate, whichever is earlier; shall be available to the Secretary to incur obligations for the Federal share of either public mass transit projects involving the construction of fixed rail facilities or the purchase of passenger equipment includ-

ing rolling stock, for any mode of mass transit, or both, or projects authorized under any highway assistance program under section 103 of this title; or both, which will serve the area or areas from which the interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the area or areas to be served, and which are selected by the Governor or the Governors of the State or the States in which the withdrawn route was located if the withdrawn route was not within an urbanized area or did not pass through and connect urbanized areas, and which are submitted by the Governors of the States in which the withdrawn route was located. Substitute projects under this paragraph may not be approved by the Secretary under this paragraph after September 30, 1983, and the Secretary shall not approve any withdrawal of a route under this paragraph after such date, except that this sentence shall not apply to any route which on the date of enactment of the Federal-Aid Highway Act of 1978 is under judicial injunction prohibiting its construction, and except that with respect to any route which on May 12, 1982, is under judicial injunction prohibiting its construction the Secretary may approve substitute projects and withdrawals on such route until September 30, 1985. Approval by the Secretary of the plans, specifications, and estimates for a substitute project shall be deemed to be a contractual obligation of the Federal Government. The Federal share of each substitute project shall not exceed 85 per centum of the cost thereof. [The sums apportioned under this paragraph for public mass transit projects shall remain available for the fiscal year for which apportioned and for the succeeding fiscal year. The sums available for obligation under this paragraph for projects under any highway assistance program shall remain available for the fiscal year for which apportioned and for the succeeding fiscal year. Any sums which are apportioned to a State for a fiscal year and are unobligated (other than an amount which, by itself is insufficient to pay the Federal share of the cost of a substitute project which has been submitted by the State to the Secretary for approval) at the end of such fiscal year shall be apportioned among those States which have obligated all sums (other than such an amount) apportioned to them for such fiscal year, in acordance with the latest approved estimate of the cost of completing the appropriate substitute projects in such States.] *The sums apportioned and the sums allocated under this paragraph for public mass transit projects shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fiscal year. The sums apportioned and the sums allocated under this paragraph for projects under any highway assistance program shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fiscal year. Any sums which are apportioned or allocated to a State for a fiscal year and are unobligated (other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a substitute project which has been submitted by the State to the Secretary for approval) at the end of such fiscal year shall be apportioned or allocated, as the case may be, among those States which have obligated all sums (other than such an amount) apportioned or allocated, as the case may be, to them for such fiscal year. Such reapportionments shall be in accordance*

with the latest approved estimate of the cost of completing substitute projects, and such reallocations shall be at the discretion of the Secretary. The sums obligated for mass transit projects shall become part of, and be administered through, the Urban Mass Transportation Fund. For the fiscal year ending September 30, 1983, $257,000,000 shall be available out of the Highway Trust Fund for expenditure at the discretion of the Secretary for projects under highway assistance programs. For the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986, sums obligated for projects under highway assistance programs shall be paid out of the Highway Trust Fund, and $700,000,000 shall be available for expenditure during each of the fiscal years ending September 30, 1984, September 30, 1985, and $725,000,000 shall be available for expenditure during the fiscal year ending September 30, 1986. Twenty-five per centum of the funds available from the Highway Trust Fund for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986, for substitute highway projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining 75 per centum of such funds shall be apportioned in accordance with cost estimates approved by Congress. The Secretary shall make an estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of enactment of this sentence. Upon approval of such cost estimate by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for the [fiscal year] *fiscal years* ending September 30, 1984, *and September 30, 1985.* The Secretary shall make a revised estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1984, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for the fiscal year[s] ending [September 30, 1985, and] September 30, 1986. There are authorized to be appropriated for liquidation of obligations incurred under this paragraph the sums provided in section 4(g) of the Urban Mass Transportation Act of 1964. Fifty per centum of the funds appropriated for each fiscal year beginning after September 30, 1983, for carrying our substitute transit projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining 50 per centum of such funds shall be apportioned in accordance with cost estimates approved by Congress. The Secretary shall make an estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of enactment of this sentence. Upon approval of such cost estimate by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for the fiscal [year] *years* ending September 30, 1984[.] *and September 30, 1985.* The Secretary shall make a revised estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representa-

tives within ten days subsequent to January 2, [1984,] *1985* and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for the fiscal [years] *year* ending [September 30, 1985, and] September 30, 1986. Unobligated apportionments for the Interstate System in any State where a withdrawal is approved under this paragraph shall, on the date of such approval, be reduced in the proportion that the Federal share of the cost of the withdrawn route or portion thereof bears to the Federal share of the total cost of all Interstate routes in that State as reflected in the latest cost estimate approved by the Congress. In any State where the withdrawal of an Interstate route or portion thereof has been approved under section 103(e)(4) of this title prior to the date of enactment of the Federal-Aid Highway Act of 1976, the unobligated apportionments for the Interstate System in that State on the date of enactment of the Federal-Aid Highway Act of 1976 shall be reduced in the proportion that the Federal share of the cost to complete such route or portion thereof, as shown on the latest cost estimate approved by Congress prior to such approval of withdrawal, bears to the Federal share of the cost of all Interstate routes in that State, as shown on such cost estimate, except that the amount of such proportional reduction shall be credited with the amount of any reduction in such State's Interstate apportionment which was attributable to the Federal share of any substitute project approved under this paragraph prior to enactment of such Federal-Aid Highway Act. Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended. The provisions of this paragraph as amended by the Federal-Aid Highway Act of 1976, shall be effective as of August 13, 1973. The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out this paragraph. After the date of enactment of this sentence, the Secretary may not designate any mileage as part of the Interstate System pursuant to this paragraph or under any other provision of law. The preceding sentence shall not apply to a designation made under section 139 of this title. After September 30, 1979, the Secretary shall not withdraw his approval under this paragraph of any route or portion thereof on the Interstate System open to traffic before the date of the proposed withdrawal. Any withdrawal of approval of any such route or portion thereof before September 30, 1979, is hereby determined to be authorized by this paragraph. Any route or segment thereof which was statutorily [designed] *designated* after March 7, 1978, to be on the Interstate System shall not be eligible for withdrawal or substitution under this subsection.[69]

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§ 111. Agreements relating to use of and access to rights-of-way—Interstate System

(a) All agreements between the Secretary and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add

any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System. Such arrangements may, however, authorize a State or political subdivision thereof to use or permit the use of the airspace above and below the established grade line of the highway pavement for such purposes as will not impair the full use and safety of the highway, as will not require or permit vehicular access to such space directly from such established grade line of the highway, or otherwise interfere in any way with the free flow of traffic on the Interstate System. Nothing in this section, or in any agreement entered into under this section, shall require the discontinuance, obstruction, or removal of any establishment for serving motor vehicle users on any highway which has been, or is hereafter, designated as a highway or route on the Interstate System (1) if such establishment (A) was in existence before January 1, 1960, (B) is owned by a State, and (C) is operated through concessionaries or otherwise, and (2) if all access to, and exits from, such establishment conform to the standards established for such a highway under this title.

(b) Notwithstanding subsection (a), any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas constructed or located on rights-of-way of the Interstate System in such State. Such vending machines may only dispense such food, drink, and other articles as the State highway department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the 'Randolph-Sheppard Act' (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.

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§ 118. Availability of sums apportioned

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(b) * * *

(2) Except as otherwise provided in this subsection, sums apportioned for the Interstate System in any State shall remain available for expenditure in the State for the Interstate System until the end of the fiscal year for which authorized. Sums not obligated within the time period prescribed by the preceding sentence shall be made available by the Secretary for projects on the Interstate System (other than projects for which sums are apportioned under section 104(b)(5)(B)) in accordance with the following priorities: First, for high cost projects which directly contribute to the completion of an interstate segment which is not open to traffic *and high cost projects which are eligible for Federal assistance with funds ap-*

portioned under section 104(b)(5)(A) of this title and are on an Interstate segment which is on a common alignment of more than 7.9 miles with any other Interstate segment and on which actual construction with funds apportioned under such section is under way on the date of enactment of this Act: and second, for projects of high cost in relation to a State's apportionment. Sums may only be made available under this paragraph in any State if the Secretary determines that the State has obligated all of its apportionments other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project on the Interstate System which has been submitted by such State to the Secretary for approval, and the applicant is willing and able to (A) apply the funds to a ready-to-commence project; and (B) in the case of construction work, begin work within ninety days of obligation. Sums made available under this paragraph shall remain available until expended.

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§ 119. Interstate System resurfacing

[(a) Beginning with funds apportioned for fiscal year 1980, the Secretary may approve projects for resurfacing, restoring, rehabilitating, and reconstructing routes of the Interstate System designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978). In addition to projects approved under the preceding sentence, beginning with funds apportioned for fiscal year 1984, the Secretary may approve projects for resurfacing, restoring, rehabilitating, and reconstructing those routes or portions thereof on the Interstate System designated before the date of enactment of this sentence under section 139(a) of this title (other than routes on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) which routes or portions were so designated in conjunction with the withdrawal of approval of another route or portion thereof on the Interstate System under section 103(e)(4) of this title. Sums authorized to be appropriated for this section shall be out of the Highway Trust Fund and shall be apportioned in accordance with section 104(b)(5)(B) of this title and the Federal share shall be that set forth in section 120(a) of this title. Effective on and after the date of enactment of this sentence, the Federal share for projects financed by funds apportioned under section 104(b)(5)(B) of title 23, for resurfacing, restoring, rehabilitating, and reconstructing routes of the Interstate System under this subsection shall be that set forth in section 120(c) of this title.]

(a) The Secretary may approve projects for resurfacing, restoring, rehabilitating, and reconstructing routes on the Interstate System designated under sections 103 and 139(c) of this title and routes on the Interstate System designated before the date of enactment of the Surface Transportation Technical Corrections Act of 1983 under section 139(a) of this title; except that the Secretary may only approve a project pursuant to this subsection on a toll road if such road is subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978. Sums authorized to be appropri-

ated for this section shall be out of the Highway Trust Fund and shall be apportioned in accordance with section 104(b)(5)(B) of this title. The Federal share for any project under this subsection shall be that set forth in section 120(c) of this title.

* * * * * * *

§ 120. Federal share payable

* * * * * * *

(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title [shall not exceed 100 per centum of the cost thereof:] *on account of any project on a Federal-aid highway system, including the Interstate System, shall not exceed the Federal share payable of a project on a system as provided in subsections (a) and (c) of this section: Provided, That the Federal share payable for eligible emergency repairs to minimize damage, protect facilities or restore essential traffic accomplished within 30 days after the actual occurrence may amount to 100 per centum of the cost thereof: and further Provided,* That the Federal share payable on account of any repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands, highways, public lands development roads and trails, and Indian reservation roads may amount to 100 per centum of the cost thereof. The total cost of a project may not exceed the cost of repair or reconstruction of a comparable facility. As used in this section with respect to bridges and in section 144 of this title, "a comparable facility" shall mean a facility which meets the current geometric and construction standards required for the types and volume of traffic which such facility will carry over its design life.

* * * * * * *

(i) Notwithstanding any other provision of this section or of this title, the Federal share payable on account of any project under this title in the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands shall be 100 per centum of the total cost of the project.

[(i)] *(j)* The Federal share payable on account of any project financed under section 307(c) of this title shall be 85 per centum, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of any such project.

[(j)] *(k)* Notwithstanding any other provision of this section (other than subsection (f)), of this title, or of any other law, in any case where a State elects to use funds apportioned to it for any Federal-aid system for any project under sections 143, 148, and 155, of this title and for those priority primary routes under section 147 of this title designated in Committee Print Numbered 97-61 of the

Committee on Public Works and Transportation of the House of Representatives, and for funds allocated under the provision of section 155 of this title and obligated subsequent to January 6, 1983, the Federal share payable on account of such project shall be 95 per centum of the cost thereof, unless—

(1) such project is on land owned by the United States in which case the Federal share shall be 100 per centum of the cost of such project, or

(2) a Federal share of the cost of the project greater than 95 per centum is specifically authorized by law.

[(k)] *(l)* Notwithstanding any other provision of this section, the Federal share payable on account of any project under this title to reconstruct, resurface, restore, and rehabilitate any highway which the Secretary determines, at the request of any State, is incurring a substantial use as a result of transportation activities to meet national energy requirements and will continue to incur such use is 85 per centum of the cost of such project.

* * * * * * *

§ 122. Payment to States for bond retirement

Any State that shall use the proceeds of bonds issued by the State, county, city, or other political subdivision of the State for the construction of one or more projects on the Federal-aid primary or Interstate System, or extensions of any of the Federal-aid highway systems in urban areas, or for substitute highway projects approved under section 103(e)(4) of this title, may claim payment of any portion of the sums apportioned to it for expenditure on such system or on highway projects approved under section 103(e)(4) of this title to aid in the retirement of the principal of such bonds the proceeds of which were used for projects on the Federal-aid primary system or extensions of any of the Federal-aid highway systems in urban areas *or for substitute highway projects approved under section 103(e)(4) of this title* and the retirement of the principal and interest of such bonds the proceeds of which were used for projects on the Interstate System at their maturities, to the extent that the proceeds of such bonds have been actually expended in the construction of one or more of such projects. Such claim for payment may be made only when all of the provisions of this title have been complied with to the same extent and with the same effect as though payment were to be made to the State under section 121 of this title, instead of this section, and the Federal share payable shall not exceed the pro rata basis of payment authorized in section 120 of this title. This section shall not be construed as a commitment or obligation on the part of the United States to provide for the payment of the principal or interest of any such bonds. The payment of interest on such bonds and incidential costs in connection with the sale of such bonds shall not be included in the estimated cost of completing the Interstate System.

* * * * * * *

§ 125. Emergency relief

(a) * * *

(b) The Secretary may expend funds from the emergency fund herein authorized for the repair or reconstruction of highways on [the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors,] *the Federal-aid highway systems, including the Interstate System* in accordance with the provisions of this chapter: *Provided,* That (1) obligations for projects under this section, including those on highways, roads, and trails mentioned in subsection (c) of this section, resulting from a single natural disaster or a single catastrophic failure shall not exceed $30,000,000 in any State, *and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall not exceed $5,000,000.* Notwithstanding any provision of this chapter actual and necessary costs of maintenance and operation of ferryboats providing temporary substitute highway traffic service, less the amount of fares charged, may be expended from the emergency fund herein authorized on [the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors] *the Federal-aid highway system, including the Interstate System.* Except as to highways, roads, and trails mentioned in subsection (c) of this section, no funds shall be so expended unless the Secretary has received an application therefor from the State highway department, and unless an emergency has been declared by the Governor of the State and concurred in by the Secretary, except that if the President has declared such emergency to be a major disaster for the purposes of the Disaster Relief Act of 1974 (Public Law 93-288) concurrence of the Secretary is not required.

(c) The Secretary may expend funds from the emergency fund herein authorized, either independently or in cooperation with any other branch of the Government, State agency, organization, or person, for the repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads, whether or not such highways, roads, or trails are [routes functionally classified as arterials or major collectors.] *on any of the Federal-aid highway systems.*

(d) For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.

* * * * * * *

§ 139. Additions to Interstate System

(a) Whenever the Secretary determines that a highway on the Federal-aid primary system meets all of the standards of a highway on the Interstate System and that such highway is a logical addition or connection to the Interstate System, he may, upon the affirmative recommendation of the State or States involved, designate such highway as a part of the Interstate System. The mileage of any highway designated as part of the Interstate System under this section shall not be charged against the limitation established

by the first sentence of section 103(e) of this title. [The designation of a highway as part of the Interstate System under this section shall create no Federal financial responsibility with respect to such highway, except that any State may use funds available to it under section 104(b)(1) of this title and, beginning with funds apportioned for fiscal year 1984, under section 104(b)(5)(B) of this title for the resurfacing, restoring, rehabilitating, and reconstructing of any route or portion thereof on the Interstate System on which a project may be approved under the second sentence of section 119(a) of this title.] *The designation of a highway as part of the Interstate System under this subsection shall create no Federal financial responsibility with respect to such highway; except that any State may use funds available to it under sections 104(b)(1) and 104(b)(5)(B) of this title, for the resurfacing, restoring, rehabilitating, and reconstructing of any highway designated as a route on the Interstate System under this subsection before the date of enactment of the Surface Transportation Technical Corrections Act of 1983.*

§ 144. Highway bridge replacement and rehabilitation program

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(e) Funds authorized to carry out this section shall be apportioned among the several States on October 1 of the fiscal year for which authorized in accordance with this subsection. Each deficient bridge shall be placed into one of the following categories: (1) Federal-aid system bridges eligible for replacement, (2) Federal-aid system bridges eligible for rehabilitation, (3) off-system bridges eligible for replacement, and (4) off-system bridges eligible for rehabilitation. The square footage of deficient bridges in each category shall be multiplied by the respective unit price on a State-by-State basis, as determined by the Secretary; and the total cost in each State divided by the total cost of the deficient bridges in all States shall determine the apportionment factors. No State shall receive more than 10 per centum or less than 0.25 per centum of the total apportionment for any one fiscal year. The Secretary shall make these determinations based upon the latest available data, which shall be updated annually. *Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with this subsection.*

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§ 154. National maximum speed limit

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(e) Each State shall submit to the Secretary such data as the Secretary determines by rule is necessary to support its certification under section 141 of this title for the twelve-month period ending on September 30 before the date the certification is required, including data on the percentage of motor vehicles exceeding fifty-five miles per hour on public highways with speed limits posted *on January 1, 1983,* at fifty-five miles per hour, *and on public highways built after such date with speed limits posted as 55 miles per*

hour, in accordance with criteria to be established by the Secretary, including [criteria which takes] *criteria which take* into account the variability of speedometer readings and criteria based upon the speeds of all vehicles or a representative sample of all vehicles.

* * * * * * *

§ 204. Federal Lands Highways Program

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(b) Funds available for forest highways and public lands highways shall be used by the Secretary to pay for the cost of construction and improvement thereof. Funds available for park roads, parkways, and Indian reservation roads shall be used by *the Secretary or* the Secretary of the Interior to pay for the cost of construction and improvement thereof. In connection therewith, the Secretary and the Secretary of the Interior, as appropriate, may enter into construction contracts and such other contracts with a State or civil subdivision thereof or Indian tribe as deemed advisable. In the case of Indian reservation roads, Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior. No ceiling on Federal employment shall be applicable to construction or improvement of Indian reservation roads.

* * * * * * *

§ 307. Research and planning

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(c)(1) Not to exceed 1½ per centum of the sums apportioned for each fiscal year beginning with fiscal year 1974 to any State under section 104 and *Section* 103(e)(4) *for highway projects* of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations; for the planning of future highway programs and local public transportation systems and for planning for the financing thereof; for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof; and for research and development, necessary in connection with the planning design, construction, and maintenance of highways and highway systems and for study, research and training on engineering standards and construction materials, including evaluation and accreditation of inspection and testing, and the regulation and taxation of their use.

* * * * * * *

§ 402. Highway safety programs

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(j) The Secretary of Transportation shall, not later than September 1, 1981, begin a rulemaking process to determine those programs most effective in reducing accidents, injuries, and deaths. Such rule shall be promulgated taking into account consideration

of the States having a major role in establishing these programs. Not later than April 1, 1982, the Secretary shall promulgate a final rule establishing those programs determined most effective in reducing accidents, injuries, and deaths. Before such rule shall take effect, it shall be transmitted to Congress. If such rule is not transmitted by April 1, 1982, it shall not take effect before October 1, 1983. If such rule is transmitted by April 1, 1982, it shall take effect October 1, 1982, unless before June 1, 1982, either House of Congress by resolution disapproves such rule. if such rule is disapproved by either House of Congress, the Secretary shall not apportion or obligate any amount authorized to carry out this section for the fiscal year ending September 30, 1983, or any subsequent fiscal year, unless specifically authorized to do so by a statute enacted after the date of enactment of the Omnibus Budget Reconciliation Act of 1981. When a rule promulgated in accordance with this subsection takes effect, only those programs established by such rule as must effective in reducing accidents, injuries, and deaths shall be eligible to receive Federal financial assistance under this [chapter] *section.*

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FEDERAL-AID PRIMARY FORMULA

SEC. 108.

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(d) Notwithstanding any other provision of law, no State shall receive an apportionment under this section for any fiscal year which is less than the lower of (1) the amount which the State would be apportioned for such fiscal year under section 104(b)(1) of title 23, United States Code, and (2) the amount which would be determined under the formula set forth in subsection (a). Notwithstanding any other provision of law, no State shall receive for any such fiscal year less than one-half of 1 per centum of the total apportionment under this section for such fiscal year. For purposes of this paragraph and subsection (b) of section 103 [of this title,] *title 23, United States Code,* the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be considered together as one State. The State consisting of the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Mariana Islands shall not receive less than one-half of 1 per centum of each year's apportionment. There are authorized to be appropriated such sums as may be necessary out of the Highway Trust Fund to carry out this subsection. Funds authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code.

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BICYCLE TRANSPORTATION

[SEC. 126.] *SEC. 126A.* Section 217 of title 23, United States Code, is amended to read as follows:

"§ 217. Bicycle transportation and pedestrian walkway

"(a) To encourage energy conservation and the multiple use of highway rights-of-way, including the development and improvement of pedestrian walkways on or in conjunction with highway rights-of-way, the States may, as Federal-aid highway projects, construct pedestrian walkways. Sums apportioned in accordance with paragraphs (1), (2), and (6) of section 104(b) of this title shall be available for pedestrian walkways authorized under this section and such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

* * * * * * *

VEHICLE WEIGHT, LENGTH, AND WIDTH LIMITATIONS

SEC. 133. [(a)] section 127 of title 23 of the United States Code is amended to read:

"§ 127. Vehicle weight limitations—Interstate System

"(a) No funds authorized to be appropriated for any fiscal year under provisions of the Federal-Aid Highway Act of 1956 shall be apportioned to any State which does not permit the use of the National System of Interstate and Defense Highways within its boundaries by vehicles with a weight of twenty thousand pounds carried on any axle, including enforcement tolerances, or with a tandem axle weight of thirty-four thousand pounds including enforcement tolerances, or a gross weight of at least eighty thousand pounds for vehicle combinations of five axles or more. However, the maximum gross weight to be allowed by any State for vehicles using the National System of Interstate and Defense Highways shall be twenty thousand pounds carried on one axle, including enforcement tolerances, and a tandem axle weight of thirty-four thousand pounds, including enforcement tolerances and with an overall maximum gross weight, including enforcement tolerances, on a group of two or more consecutive axles produced by application of the following formula:

$$W = 500\left(\frac{LN}{N-1} + 12N + 36\right)$$

where W equals overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles, and N equals number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more: *Provided,* That such overall gross weight may not exceed eighty thousand pounds, including all enforcement tolerances, except for those vehicles and loads which cannot be easily dimantled or divided and

which have been issued special permits in accordance with applicable State laws, or the corresponding maximum weights permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse. This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof which the State determines could be lawfully operated within such State on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974. With respect to the State of Hawaii, laws or regulations in effect on February 1, 1960, shall be applicable for the purposes of this section in lieu of those in effect on July 1, 1956. With respect to the State of Michigan, laws or regulations in effect on May 1, 1982, shall be applicable for the purposes of this subsection.

"(b) No State may enact or enforce any law denying reasonsable access to motor vehicles subject to this title to and from the Interstate Highway system to terminals and facilities for food, fuel, repairs, and rest."

TEMPORARY MATCHING FUND WAIVER

SEC. 145.

* * * * * * *

[(c) The total amount which may be obligated for qualifying projects in any State under subsection (a) shall not be greater than the excess of—

(1) the sum of the amount of obligation authority distributed to such State for fiscal year 1983 under section 104(b) of this Act, plus the amount, if any, available to such State under section 150 of this Act, pertaining to minimum allocation, over

(2) the amount of obligation authority distributed to such State for fiscal year 1982 under section 3(b) of the Federal-Aid Highway Act of 1981.]

(c) The total amount which may be obligated for qualifying projects in any State under subsection (a) for each of the fiscal years 1983 and 1984 shall not be greater than the excess of—

(1) the sum of the amount of obligational authority distributed to such State for such fiscal year under section 104(b) of this Act, plus the amounts, if any, available to such State for such fiscal year under section 157 of title 23, United States Code, pertaining to minimum allocation, over

(2) the amount of obligational authority distributed to such State for fiscal year 1983 under section 3(b) of the Federal-Aid Highway Act of 1981.".

* * * * * * *

(e) If a State has not made the repayment as required by subsection (d) of this section, the Secretary shall deduct from funds appor-

tioned to such State under *section 108 of this Act and* section 104(b) of title 23, United States code, except for paragraph (5)(A), in each of the fiscal years ending September 30, 1985, and September 30, 1986, a pro rata share of each category of such apportioned funds, the total amount of which shall be equal to 50 per centum of the amount needed for repayment. Any amount deducted under this subsection shall be reapportioned for the fiscal years 1985 and 1986 in accordance with section [104(b)(1) of title 23, United States Code,] *108 of this Act* to those States which have not received a higher Federal share under this section and to those States which have made the repayment required by subsection (d).

USE OF HIGH OCCUPANCY LANES

SEC. 163. Notwithstanding any provision of this Act or any other law, no funds shall be [appropriated] *apportioned* for the construction or resurfacing of Federal aid highways which have lanes designated as carpool lanes unless the use of such lanes includes use by motorcycles. Upon certification by the State to the Secretary of Transportation, the State may restrict such use by motorcycles if such use would create a safety hazard.

BUY AMERICA

[SEC. 165. (a) Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act or by any Act amended by this Act or, after the date of enactment of this Act, any funds authorized to be appropriated to carry out this Act, title 23, United States Code, the Urban Mass Transportation Act of 1964, or the Surface Transportation Assistance Act of 1978 and administered by the Department of Transportation, unless steel, cement, and manufactured products used in such project are produced in the United States.

[(b) The provisions of subsection (a) of this section shall not apply where the Secretary finds—

[(1) that their application would be inconsistent with the public interest;

[(2) that such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality;

[(3) in the case of the procurement of bus and other rolling stock (including train control, communication, and traction power equipment) under the Urban Mass Transportation Act of 1964, that (A) the cost of components which are produced in the United States is more than 50 per centum of the cost of all components of the vehicle or equipment described in this paragraph, and (B) final assembly of the vehicle or equipment described in this paragraph has taken place in the United States;

[(4) that inclusion of domestic material will increase the cost of the overall project contract by more than 10 per centum in the case of projects for the acquisition of rolling stock, and 25 per centum in the case of all other projects.

[(c) For purposes of this section, in calculating components' costs, labor costs involved in final assembly shall not be included in the calculation.

[(d) The Secretary of Transportation shall not impose any limitation or condition on assistance provided under this Act, the Urban Mass Transportation Act of 1964, the Surface Transportation Assistance Act of 1978, or title 23, United States Code, which restricts any State from imposing more stringent requirements than this section on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with such assistance or restricts any recipient of such assistance from complying with such State imposed requirements.

[(e) Section 401 of the Surface Transportation Assistance Act of 1978 is repealed.]

SEC. 165. (a) Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act or by any Act amended by this Act and administered by the Department of Transportation, whose total cost exceeds $500,000, unless only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, and supplies mined, produced, or manufactured, as they case may be, in the United States, will be used in such project.

(b) The provisions of subsection (a) of this section shall not apply where the Secretary determines—

(1) their application would be inconsistent with the public interest;

(2) in the case of acquisition of rolling stock their application would result in unreasonable cost (after granting appropriate price adjustments to domestic products based on that portion of project cost likely to be returned to the United States and to the States in the form of tax revenues);

(3) supplies of the class or kind to be used in the manufacture of articles, materials, and supplies that are not mined, produced, or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(4) that inclusion of domestic material will increase the cost of the overall project contract by more than 10 per centum in the case of projects for the acquisition of rolling stock, and 25 per centum in the case of all other projects.

REPORT REGARDING LONGER COMBINATION COMMERCIAL MOTOR VEHICLES

[SEC. 415. (a) Within 18 months after the date of enactment of this title, the Secretary, after consultation with the transportation officials and Governors of the several States and after an opportunity for public comment, shall submit to Congress a detailed report on the potential benefits and costs if any, to shippers, receivers, operators of commercial motor vehicles, and the general public, that reasonably may be anticipated from the establishment of a National intercity truck route network for the operation of a special class of longer combination commercial motor vehicles.

[(b) For the purposes of this section, the term—

[(1) "longer combination commercial motor vehicles" means multiple-trailer combinations consisting of (A) truck tractor-semitrailer-full trailer, and (B) truck tractor-semitrailer-full trailer-full trailer combinations with an overall length not in excess of one hundred and ten feet; and

[(2) "national intercity truck route network" means a network consisting of a number of controlled-access, interconnecting segments of the National System of Interstate and Defense Highways and other highways of comparable design and traffic capacity including, but not limited to, all such highways where the operation of longer combination commercial motor vehicles is authorized on the date of enactment of this section.

[(c) The detailed report mandated by this section shall include, but need not be limited to, the following—

[(1) a specific plan for the establishment of a national intercity truck route network, including the designation of those specific highway segments which would be required to connect the major distributions centers and markets for long-haul intercity freight service, except that the Secretary shall not include in the plan any highway segment which, because of design limitations or other factors, cannot accommodate the safe operation of longer combination commercial motor vehicles;

[(2) an analysis of the intercity motor freight volume that reasonably can be anticipated to be transported by longer combination commercial motor vehicles over the national intercity truck route network if such network is established by Congress;

[(3) an analysis of the fuel savings that reasonably can be anticipated in the transportation of freight by commercial motor vehicle if such network is established by Congress;

[(4) an analysis of the productivity gains that reasonably can be anticipated to be achieved in the transportation of freight by commercial motor vehicle if such network is established by Congress;

[(5) an analysis of the fuel conservation and productivity gains historically achieved by operators of longer combination commercial motor vehicles; and

[(6) an analysis of the safety record of longer combination commercial motor vehicle operations that have been conducted prior to the date of enactment of this section.

[(d) In making the findings and determinations required by subsection (c) of this section, and in making the detailed report to Congress required by this section, the Secretary shall assume that the longer combination commercial motor vehicles operating on the national intercity truck route network, if and when established by Congress would be subject to the single- and tandem-axle weight limits imposed by section 127 of title 23, United States Code. The Secretary shall further assume that the overall gross weight of such vehicles on a group of two or more consecutive axles shall be limited by the formula set forth in such section, and only by such formula.

[(e) In making the detailed report to Congress required by this section, the Secretary shall assume that longer combination com-

mercial motor vehicles operating on the national intercity truck route network will have reasonable access to terminals combination breakup areas, and food and fuel facilities consistent with safe operations of such vehicles.]

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